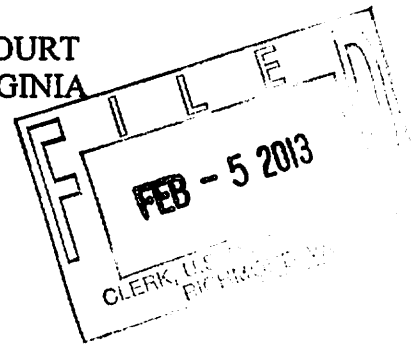


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division



MARK F. GUIMOND, *ET AL.*,

Plaintiffs,

v.

Civil Case No. 3:12-cv-00606

TOYOTA MOTOR CREDIT CORPORATION,

Defendant.

MEMORANDUM ORDER

THIS MATTER is before the Court on the defendant's motion to compel. (Dk. No. 37.) The Court hereby DIRECTS the plaintiffs to produce the requested documents to the Court for *in camera* review within seven (7) days of the date of this Order. The Court shall WITHHOLD a ruling on the motion to compel until it has had an opportunity to review these documents.

Furthermore, the defendant has chosen to file a new motion to dismiss based on the plaintiffs' first amended complaint. Accordingly, the Court DENIES AS MOOT the earlier filed motion to dismiss. (Dk. No. 16.)


Lastly, the Court DENIES the defendant's motion for judicial notice. (Dk. No. 18.) The defendant asks the Court to take judicial notice of certain legislative history relating to the Equal Credit Opportunity Act (ECOA) as a "matter of public record." The Court finds judicial notice inappropriate under the circumstances. The Court may take any legislative history into consideration without finding either that it "is generally known" or that the history's "accuracy cannot reasonably be questioned." Fed. R. Evid. 201(b). Moreover, taking judicial notice would only establish that such legislative history, as presented by the defendant, is correctly

documented, not that the statements of lawmakers therein are beyond debate. If the defendant would like the Court to rely on the ECOA's history in deciding on the motion to dismiss, it may simply file the same documents as a supporting exhibit.

It is so ORDERED.

Let the Clerk send a copy of this Order to all counsel of record.

Date: February 4, 2013
Richmond, VA

/s/ 
John A. Gibney, Jr.
United States District Judge